



**Dated: November 06, 2019  
The following is ORDERED:**

*Jennie D. Latta*  
Jennie D. Latta  
**UNITED STATES BANKRUPTCY JUDGE**

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**IN RE:** )  
 ) Case No. 19-22323  
**KECIE RENEE GILKEY,** ) Chapter 13  
 )  
 )  
 )  
**Debtor.** )

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**AMENDED CONSENT ORDER ON MOTION FOR RELIEF FROM  
AUTOMATIC STAY FILED BY US BANK TRUST NATIONAL ASSOCIATION,  
AS TRUSTEE OF CHALET SERIES III TRUST**

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The agreement hereunder states the agreed position of Debtor, Kecia Renee Gilkey and Secured Creditor, U.S. Bank Trust National Association, as Trustee of the Chalet Series III Trust (“Chalet”) being serviced by BSI Financial Services as it pertains to the real property with an address of 4111 Fizer Avenue, Memphis, Tennessee 38111 (“Property”).

WHEREFORE, IT IS HEREBY STIPULATED AND AGREED TO BETWEEN  
THE PARTIES HERETO AS FOLLOWS:

1. As to Chalet, its successors, transferees and assigns, the stay of 11 U.S.C. § 362(a) is conditioned as set forth below. Any post-petition acts taken by Chalet to enforce its remedies regarding the Property do not constitute a violation of the stay. Chalet may enforce its remedies to repossess or otherwise obtain possession and dispose of the Property in accordance with applicable nonbankruptcy law.

2. The Property is subject to the first lien through the Deed of Trust recorded in the Shelby County Public Registry. Chalet is entitled to enforce the Note.

3. The parties hereto agree that Ms. Gilkey will continue to make the ongoing regular monthly payments as provided for in the confirmed Chapter 13 Plan, beginning with the November 1, 2019 ongoing monthly payment.

4. The parties further agree Ms. Gilkey will pay through the confirmed plan the defaulted Postpetition ongoing monthly payments due under the Deed of Trust for April 1, 2019 through October 1, 2019. Chalet shall file an amended proof of claim to include these payments.

5. The parties agree that should Ms. Gilkey fail to make any future cure payment or ongoing regular monthly payment, counsel for Chalet may file a single document styled "*Notice of Default*" and serve Ms. Gilkey, her counsel, and the Chapter 13 Trustee with the Notice of Default. Thereupon Ms. Gilkey shall have fifteen (15) days upon which to cure the default. If she fails to cure such default within fifteen (15) days of the notice being filed, Chalet shall submit an Order of Failure to Cure Default, directing that the Chapter-13 Trustee shall cease remitting payments to Chalet.

6. Following the entry of the Order of Failure to Cure Default, Chalet may proceed with its state-law remedies, including foreclosure. There may be no more than two such defaults in the one-year default cure period.

7. This order resolves the Motion and is binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of the Bankruptcy Code. This order is binding in any other bankruptcy case purporting to affect the Property filed not later than 180 days after the date of entry of such order, except that Ms. Gilkey in a subsequent case may move for relief from the order based upon changed circumstances or for good cause shown, after notice and hearing.

8. Chalet shall be permitted to file a Notice of Post-Petition Fees and Expenses for the *In Rem* Motion for Relief From Stay and for the filing fee for that motion. That amount shall be paid through the Trustee's office.

IT IS SO ORDERED.

APPROVED:

Trustee:

/s/ Sylvia F. Brown

Sylvia F. Brown  
200 Jefferson Ave. Suite #1113  
Memphis, TN 38103  
(901) 576-1313

/s/Edward D. Russell  
Edward D. Russell  
The SR Law Group  
PO Box 128  
Mt. Juliet, TN 37121  
(615) 559-3190  
[erussell@thesrlawgroup.com](mailto:erussell@thesrlawgroup.com)

/s/Michael Don Harrell

Michael Don Harrell  
1884 Southern Avenue  
Memphis, TN 38114  
Email: [harrellandassoc@bellsouth.net](mailto:harrellandassoc@bellsouth.net)

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of October 2019, a true and correct copy of the Amended Consent Order Granting Motion for Relief from Automatic Stay was served by regular mail upon Kecie Renee Gilkey, 4111 Fizer Avenue, Memphis, TN 38111. I also caused a copy of the Motion to be filed in this proceeding by electronic means and to be served as follows: counsel for the Debtor, Michael Don Harrell, 1884 Southern Avenue, Memphis, TN 38114; Sylvia F. Brown, 200 Jefferson Ave., Suite #1113, Memphis, TN 38103; United States Trustee, One Memphis Place, 200 Jefferson Ave., Suite 400, Memphis, TN 38103, and electronically to those identified on the CM/ECF system for this case.

By: /s/Edward D. Russell  
Edward D. Russell